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EXAMINER

USTARIS, JOSEPH G

ART UNIT PAPER NUMBER

2617

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/703,261

Applicant(s)

ALLEN ET AL.

Examiner

Joseph G. Ustaris

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment dated 14 March 2005 in application 09/703,261.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 14, 15, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al. (US 20030137688A1) in view of Papadimitriou et al. (US005592626A) and Menard et al. (US006810526B1).

Regarding claim 1, Lawrence et al. (Lawrence) discloses a "method for a headend-based information monitoring, delivery, and notification (See Fig. 2; paragraph 0040). The system is able to "register at a cable television headend (See Fig. 2, CHE 6) a plurality of user requests for information other than program content, the user request being received from a plurality of Internet-enabled television systems (See Fig. 2, STB 10) connected to the cable television headend" (See Fig. 2; paragraph 0004, 0040, and 0055). The system "locates the requested information" and "automatically delivers the requested information to the requesting Internet-enabled television system" (See paragraph 0040 and 0055). However, Lawrence does not disclose (1) "registering at the

cable television headend for at least one of the requests user-specified criteria for delivery of the requested information in response to a future triggering event that is separate from and in addition to the request itself or locating the information” and “delivering the requested information...in response to the delivery criteria being satisfied” and (2) “notifying a user concerning the delivered information using the Internet-enabled television system”.

(1) Papadimitriou et al. (Papadimitriou) discloses a system and method for efficiently delivering user requested multimedia information in a network of servers. Papadimitriou discloses a scheduler located at the server that is able to receive requests for multimedia programs from the user as well as user selected times at which the user wishes to receive the multimedia programs. The server and scheduler delivers the requested multimedia program to the user’s receiver at the times specified by the user or “registering at the cable television headend for at least one of the requests user-specified criteria for delivery of the requested information in response to a future triggering event that is separate from and in addition to the request itself or locating the information” and “delivering the requested information...in response to the delivery criteria being satisfied” (See Fig. 1; column 2 lines 17-21 and lines 39-46 and column 4 line 50 – column 4 line 9). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the headend disclosed by Lawrence to include a scheduler that is able to “register for at least one of the requests user-specified criteria for delivery of the requested information in response to a future triggering event that is separate from and in addition to the request itself or locating the

information” and “delivering the requested information...in response to the delivery criteria being satisfied”, as taught by Papadimitriou, in order to increase the capabilities and options of the system thereby making the system more convenient to the users.

(2) Menard et al. (Menard) discloses a real-time search system where the servers can perform user-specified searches. The server finds the user requested content and delivers the information to the user and then “notifies a user concerning the delivered information using the Internet-enabled television system” (See column 3 lines 33-39 and column 5 lines 19-36). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system and headend disclosed by Lawrence to “notify a user concerning the delivered information using the Internet-enabled television system”, as taught by Menard, in order to increase the capabilities and options of the system thereby making the system more convenient to the users by notifying the users when information has been received.

Regarding claim 14, the system can also “send an e-mail message to the user” notifying the user that the information is found and the information is ready to view (See Menard column 5 lines 46-55).

Claim 15 contains the limitations of claim 1 (wherein the system disclosed by Lawrence in view of Papadimitriou and Menard performs the method claimed in claim 1) and is analyzed as previously discussed with respect to that claim.

Claim 28 contains the limitations of claims 14 and 15 and is analyzed as previously discussed with respect to those claims.

Claims 2, 3, 6, 16, 17, and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al. (US 20030137688A1) in view of Papadimitriou et al. (US005592626A) and Menard et al. (US006810526B1) as applied to claims 1, 14, 15, and 28 above, and further in view of Lauder et al. (US006253238B1).

Regarding claim 2, Lawrence in view of Papadimitriou and Menard does not disclose “reserving a private cable television channel for delivery of the requested information”.

Lauder et al. (Lauder) discloses an interactive cable television system. Lauder discloses that certain channels within the interactive cable television system can be reserved for private information services. A user or subscriber from one area is assigned a channel in order to receive various requested services or “reserving a private cable television channel for delivery of the requested information” (See column 1 lines 24-47). Therefore, it would have been obvious to one with ordinary skill at the time the invention was made to modify the system disclosed by Lawrence in view of Papadimitriou and Menard to be able to “reserve a private cable television channel for delivery of the requested information”, as taught by Lauder, in order to provide a means for ensuring an open channel for the search results to be delivered on.

Regarding claim 3, the system distributes signals that carry MPEG-compressed video signals thereby making the private channel an “MPEG-encoded channel” (See Lauder column 3 lines 43-49 and column 4 lines 44-55).

Regarding claim 6, any videos that have been requested by the user on demand are MPEG encoded, where inherently the video was encoded using an MPEG encoder

or “encoding the requested information” (See Lauder Fig. 1b column 4 lines 53-55).

Furthermore, the “encoded information” is sent down to the users terminal as discussed above.

Claim 16 contains the limitations of claims 2 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 17 contains the limitations of claims 3 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 20 contains the limitations of claims 6 and 15 and is analyzed as previously discussed with respect to those claims.

Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al. (US 20030137688A1) in view of Papadimitriou et al. (US005592626A) and Menard et al. (US006810526B1) and in further view of Lauder et al. (US006253238B1) as applied to claims 2, 3, 6, 16, 17, and 20 above, and further in view of Kusaba et al. (US006510556B1).

Regarding claim 4, Lawrence in view of Papadimitriou and Menard and in further view of Lauder does not disclose a method where the “private MPEG-encoded channel” is stored within a “private information indexing table” and transmitted to the user terminal or “Internet-enabled television system”.

Kusaba et al. (Kusaba) discloses a video distribution system that stores the distribution channel or “private MPEG-encoded channel” within a schedule table or “private information indexing table” (See Fig. 4e and column 5 lines 48-58). The

schedule table is then transmitted to the user's computer or "Internet-enabled television system". Therefore, it would have been obvious to one with ordinary skill at the time the invention was made to modify the system disclosed by Lawrence in view of Papadimitriou and Menard and in further view of Lauder to store the "private MPEG-encoded channel" within a schedule table or "private information indexing table" and transmit it to a user PC or "Internet-enabled television system", as taught by Kusaba, in order to notify the receiving units on which MPEG channel the requested information will be received on.

Claim 18 contains the limitations of claims 4 and 15 and is analyzed as previously discussed with respect to those claims.

Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al. (US 20030137688A1) in view of Papadimitriou et al. (US005592626A) and Menard et al. (US006810526B1) and in further view of Lauder et al. (US006253238B1) and Kusaba et al. (US006510556B1) as applied to claims 4 and 18 above, and further in view of Sorensen (US006598226B1).

Regarding claim 5, Lawrence in view of Papadimitriou and Menard and in further view of Lauder and Kusaba does not disclose a method where the PC or "Internet-enabled television system" detects information received on the "private MPEG-encoded channel".

Sorensen discloses a retrieving apparatus or PC that retrieves information. The retrieving apparatus has a detector that is capable of detecting when it receives data

packets or "information" from a particular channel. The detector then sends a signal or "information monitoring trigger" to the processor notifying that the data packets have been retrieved (See column 3 lines 40-59; column 4 lines 7-12). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the STB or "Internet-enabled television system" disclosed by Lawrence in view of Papadimitriou and Menard and in further view of Lauder and Kusaba to be able to detect when information is received on the "private MPEG-encoded channel" and to generate a signal or "setting an information monitoring trigger", as taught by Sorensen, in order to notify the STB or "Internet-enabled television system" that the "requested information" has been received and ready to be viewed by the user.

Claim 19 contains the limitations of claims 5 and 15 and is analyzed as previously discussed with respect to those claims.

Claims 7, 8, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al. (US 20030137688A1) in view of Papadimitriou et al. (US005592626A) and Menard et al. (US006810526B1) as applied to claims 1, 14, 15, and 28 above, and further in view of Maze et al. (US006216264B1).

Regarding claim 7, Lawrence in view of Papadimitriou and Menard does not disclose "receiving a user selection of a notification format for the delivered information".

Maze et al. (Maze) discloses a gopher agent that continually searches for particular programs for the user based on a user created search request list. The user can define a type of notification or "receiving a user selection of a notification format" for

when the program has been found and the gopher agent will notify the user using the selected type of notification (See Maze Fig. 2 and column 3 lines 5-10). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the headend and STB disclosed by Lawrence in view of Papadimitriou and Menard to "receive a user selection of a notification format for the delivered information", as taught by Maze, in order to offer more customizable options to the users thereby making the system more convenient to the users.

Regarding claim 8, the system notifies the user using the user-selected type of notification, as discussed in claim 7.

Claim 21 contains the limitations of claims 7 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 22 contains the limitations of claims 8 and 15 and is analyzed as previously discussed with respect to those claims.

Claims 9, 10, 13, 23, 24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al. (US 20030137688A1) in view of Papadimitriou et al. (US005592626A) and Menard et al. (US006810526B1) as applied to claims 1, 14, 15, and 28 above, and further in view of Legall et al. (US006005565A).

Regarding claim 9, Lawrence in view of Papadimitriou and Menard does not disclose "providing a hierarchically-arranged list of information categories; and receiving a user selection of an information category from the hierarchically-arranged list".

Legall et al. (Legall) discloses a system and method for searching multiple resources. The system utilizes query tools that provide a list of categories and subcategories or "hierarchically-arranged list of information categories" to further define the search criteria (See Fig. 3b and column 3 lines 34-40). The user selects from this list and the power search tool uses the selection as its search criteria or "receiving a user selection...from the hierarchically-arranged list" (See Fig. 3a). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the headend and STB disclosed by Lawrence in view of Papadimitriou and Menard to "provide a hierarchically-arranged list of information categories; and receiving a user selection of an information category from the hierarchically-arranged list", as taught by Legall, in order to provide users with more customizable criteria thereby increasing the efficiency of the system when locating the requested information.

Regarding claim 10, Lawrence in view of Papadimitriou and Menard does not explicitly disclose that the user PC "provides a graphical user interface (GUI)" and "displaying the delivered information in a designated area of the GUI".

Legall discloses that the processor system presents to the user a power search tool using a graphical user interface (GUI) (See Legall Fig. 3b). The power search tool is capable of displaying the results of the search within the EPG section of the GUI or "displaying the delivered information in a designated area of the GUI" (See Legall column 3 lines 19-24). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the STB disclosed by Lawrence in view of Papadimitriou and Menard to "provide a graphical user interface (GUI)" and

"displaying the delivered information in a designated area of the GUI", as taught by Legall, in order to provide users with a more convenient interface thereby by making the system easier to use and providing a more convenient means of displaying various types of information.

Regarding claim 13, Lawrence in view of Papadimitriou and Menard does disclose displaying a notice on the screen of the users terminal (See Menard column 3 lines 35-37). However, Lawrence in view of Papadimitriou and Menard does not disclose "displaying the delivered information on the Internet-enabled television system in response to a subsequent user action".

Legall discloses that the power search tool lists the results of the search within the GUI notifying the user that the search is complete. The list may contain URLs where the user can select the URL using the cursor to bring up the corresponding website or "displaying the delivered information...in response to a subsequent user action" (See Legall column 4 lines 35-49). All this information may be viewed on a display of the user PC or "Internet-enabled television system". Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the STB disclosed by Lawrence in view of Papadimitriou and Menard to "display the delivered information on the Internet-enabled television system in response to a subsequent user action", as taught by Legall, in order to give more control of the system to the user thereby allowing the user to control when information will be displayed.

Claim 23 contains the limitations of claims 9 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 24 contains the limitations of claims 10 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 27 contains the limitations of claims 13 and 15 and is analyzed as previously discussed with respect to those claims.

Claims 11, 12, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al. (US 20030137688A1) in view of Papadimitriou et al. (US005592626A) and Menard et al. (US006810526B1) as applied to claims 1, 14, 15, and 28 above, and further in view of Knudson et al. (US006536041B1).

Regarding claim 11, Lawrence in view of Papadimitriou and Menard does not disclose “superimposing” the information “over a television program displayed by the Internet-enabled television system”.

Knudson et al. (Knudson) discloses a program guide system that is capable of displaying an information ticker over the television program or “superimposing...over a television program” that provides information that the user requests (See Fig. 13 and column 13 line 49 – column 14 line 13). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the headend and user STB disclosed by Lawrence in view of Papadimitriou and Menard to display the information over the television program displayed by the user terminal, as taught by Knudson, in order to give the user options of how to display information and to provide a clear and direct view of the information the user requested.

Regarding claim 12, the information ticker “horizontally” scrolls through different information categories by use of buttons (See Knudson et al. Fig. 13 element 194).

Claim 25 contains the limitations of claims 11 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 26 contains the limitations of claims 12 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al. (US 20030137688A1) in view of Papadimitriou et al. (US005592626A) and Menard et al. (US006810526B1) as applied to claims 1, 14, 15, and 28 above, and further in view of Herz et al. (US005835087A).

Regarding claim 29, Lawrence in view of Papadimitriou and Menard does not disclose that a “triggering event” is a change in stock price.

Herz et al. (Herz) discloses a system that creates user profiles and monitors the criteria set within the profile. The user can set a profile to monitor a certain stock performance and price and notify the user when the stock price reaches a certain price (See column 61 lines 25-60). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Lawrence in view of Papadimitriou and Menard to also store criteria pertaining to stock prices as “triggering event”, as taught by Herz, in order to expand the capability of the system thereby providing more convenience to the user.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al. (US 20030137688A1) in view of Papadimitriou et al. (US005592626A) and Menard et al. (US006810526B1) as applied to claims 1, 14, 15, and 28 above, and further in view of Dougherty et al. (US006725461B1).

Regarding claim 30, Lawrence in view of Papadimitriou and Menard does not disclose a “triggering event” that is “a specified time interval before an impending broadcast of a particular television program”.

Dougherty et al. (Dougherty) discloses a reminder system that is able to notify a user of an upcoming program. The user of the system is able to “specify a time interval before an impending broadcast of a particular television program” and the system will notify the user when the time interval before an impending broadcast is reached (See column 11 lines 8-16). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Lawrence in view of Papadimitriou and Menard to use “a specified time interval before an impending broadcast of a particular television program” as a “triggering event”, as taught by Dougherty, in order to expand the capability of the system thereby providing more convenience and options to the user.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al. (US 20030137688A1) in view of Papadimitriou et al. (US005592626A) and Menard et al. (US006810526B1) as applied to claims 1, 14, 15, and 28 above, and further in view of Proehl et al. (US 20030131356A1).

Regarding claim 31, Lawrence in view of Papadimitriou and Menard does not disclose a “triggering event” that is “an arrival of an e-mail message”.

Proehl et al. (Proehl) discloses a notification system that is used within a cable television system. Proehl discloses that users can set various events that will trigger the system to notify the user. The user can set events such as email status alerts (i.e. arrival of emails) or “triggering event” that is “an arrival of an e-mail message” (See paragraph 0038). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Lawrence in view of Papadimitriou and Menard to use “an arrival of an e-mail message” as a “triggering event”, as taught by Proehl, in order to expand the capability of the system thereby providing more convenience and options to the user.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al. (US 20030137688A1) in view of Papadimitriou et al. (US005592626A) and Menard et al. (US006810526B1) as applied to claims 1, 14, 15, and 28 above, and further in view of Cao et al. (US006745230B1).

Regarding claim 32, Lawrence in view of Papadimitriou and Menard does not disclose a “triggering event” that is “an arrival of an e-mail message from a particular user”.

Cao et al. (Cao) discloses a priority alert service that notifies the user based on certain events. The user can establish an alert profile where the user may set various events, i.e. sender’s e-mail address or name or “an arrival of an e-mail message from a

particular user". When e-mail arrives from a particular sender, the system proceeds to notify the user (See column 4 lines 49-65). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Lawrence in view of Papadimitriou and Menard to use "an arrival of an e-mail message from a particular user" as a "triggering event", as taught by Cao, in order to expand the capability of the system thereby providing more convenience and options to the user.

Response to Arguments

3. Applicant's arguments filed 14 March 2005 have been fully considered but they are not persuasive.

Applicant's arguments with respect to "registering requests at a cable headend" have been considered but are moot in view of the new ground(s) of rejection. Lawrence discloses requests for "non-program content" is "registered" within a headend (See claim rejections above).

Applicant's arguments with respect to Menard not disclosing "user requests for information other than for program content" have been considered but are moot in view of the new ground(s) of rejection. Lawrence discloses that request could be for news, coupons, or theater schedules (See claim rejections above).

Applicant also argues that Papadimitriou does not show delivery criteria including future triggering event that is separate from and in addition to the request itself or locating the information. Applicant first argues that claim 1 refers to information other

Art Unit: 2617

than program content, which is contrary to Papadimitriou. However, this limitation has been met by Lawrence. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant secondly argues that Papadimitriou discloses that it is the user request that triggers delivery, not some external event. However, Papadimitriou discloses a system that allows the users to define the times at which the user wishes to receive the multimedia programs. The user makes a request for a particular multimedia program or "the request" and the user also selects the times at which the user wishes to receive the multimedia program. This request as a whole merely causes the scheduler to schedule the delivery of the multimedia. The multimedia program is then delivered at the time the user request by the server monitoring a clock or "monitoring one or more information resources for the future triggering event specified in the delivery criteria" (See claim rejections above and Papadimitriou Fig. 4; column 6 line 60 – column 8 line 45). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner recommends that the applicant consider providing more details about the "user-specified criteria for delivery" within the independent claims as supported on page 38 of the specification.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JGU

June 16, 2005



VIVEK SRIVASTAVA
PRIMARY EXAMINER